

NO CHILD LEFT BEHIND RESOLUTION

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Kory M. Holdaway

LONG TITLE

General Description:

This concurrent resolution of the Legislature and the Governor urges Congress to review and make changes to the No Child Left Behind legislation.

Highlighted Provisions:

This resolution:

- expresses concern with provisions of the federal No Child Left Behind legislation;
- and
- urges Congress to review and modify the No Child Left Behind legislation.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS, although the intent behind the No Child Left Behind legislation was laudable, there are modifications needed in the legislation;

WHEREAS, the requirement that all subgroups reach 100% proficiency using the same measure is unrealistic;

WHEREAS, alternate assessment limitations for students with disabilities are not consistent with Utah's need;

WHEREAS, identification of schools as having failed to make adequate yearly progress (AYP) or as in need of improvement without consideration of the magnitude or significance of the school's overall success in the required areas is unfair;



WHEREAS, the required sanctions for schools identified as in need of improvement are not available in many areas of the state and may not result in a better educational experience for students;

WHEREAS, requiring all teachers to demonstrate highly qualified status through receipt of an academic major or passage of a content specific test is unrealistic for Utah's rural, remote, and special purpose schools as well as special education teachers;

WHEREAS, the requirement that all subgroups have not less than 95% participation is not appropriate, particularly since the requirement relates to limited English proficiency (LEP) students after one year in the school system, even though they frequently lack previous formal educational opportunity;

WHEREAS, funds made available to states to implement No Child Left Behind are not what were promised when the legislation was passed and are insufficient to meet the demands outlined in the legislation;

WHEREAS, the future costs of implementing the remediation portion of the No Child Left Behind legislation is not included in the mandates placed on states by the federal government;

WHEREAS, states should be allowed to establish separate starting points and trajectories by subgroup so long as the trajectory results in 100% proficiency by 2014;

WHEREAS, states should be allowed to adopt value-added models based on the growth of individual students from grade to grade, ensuring that every student achieves proficiency over time;

WHEREAS, states should be allowed to use alternate assessments measured against alternate achievement standards for students with severe disabilities beyond the 1% variance allowed under No Child Left Behind, and consistent with the student's individualized education plan (IEP);

WHEREAS, No Child Left Behind legislation should allow the limitation on the percentage of students to whom this applies to be set by states' and local districts' enrollment of students with severe disabilities;

WHEREAS, states should be allowed to develop alternative assessments for students with significant disabilities who do not qualify as severely disabled but who will still more appropriately be measured against a personalized performance standard consistent with the

state content standards and the student's IEP;

WHEREAS, states and districts should be allowed to identify schools in need of improvement based on the group having failed to make AYP for two consecutive years with the same subgroup in the same subject;

WHEREAS, the law should differentiate improvement status and associated sanctions based on the magnitude of the school's failure to meet the AYP requirements;

WHEREAS, states should be allowed to target the school choice option and supplemental services to those students in subgroups that did not make AYP;

WHEREAS, schools should be allowed to choose the order of initiating either choice of supplemental services so that services can be developed or secured in response to student need;

WHEREAS, school districts should be allowed to develop the capacity of receiving schools to meet the needs of target populations before school choice is implemented;

WHEREAS, small, rural, isolated, and special purpose schools and special education teachers should be allowed additional time to meet the highly qualified requirements provided progress toward the goal is demonstrated;

WHEREAS, teachers in small, rural, isolated, and special purpose schools should be allowed to meet highly qualified requirements in high priority core academic areas determined by the state, and without penalty of label for not having met the arbitrarily restrictive, "highly qualified" requirements in all core academic areas to which they may be assigned;

WHEREAS, new teachers in small, rural, isolated, and special purpose schools and teachers with special education licenses should be allowed to meet highly qualified status and to be hired to work in schools supported with Title I funds if they meet the state licensing and HOUSSE criterion as opposed to requiring an academic major in each core subject area; and

WHEREAS, the law already allows excusal of students who have not been enrolled for an academic year as defined by the state:

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the Governor concurring therein, **H** OBJECT TO AND **h** express concern with **H** THE ABOVE **h** provisions of the federal No Child Left

Behind legislation.

BE IT FURTHER RESOLVED that the Legislature and the Governor urge Congress to review the concerns outlined in this resolution and modify the No Child Left Behind legislation to address them.

90 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the majority
91 leader of the United States Senate, the Speaker of the United States House of Representatives,
91a **Â THE UNITED STATES SECRETARY OF EDUCATION, Â**
92 and to the members of Utah's congressional delegation.

Legislative Review Note
as of 2-10-04 6:05 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HCR009

No Child Left Behind Resolution

16-Feb-04

9:56 AM

State Impact

Mailing requirements of this resolution can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst